

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LE'TAXIONE X,

Plaintiff,

v.

CORRECTIONS OFFICER ROCHON,
et al.,

Defendants.

CASE NO. C08-1430-MJP

ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
AND DENYING PLAINTIFF'S MOTION
FOR PARTIAL SUMMARY JUDGMENT

The Court, having reviewed plaintiff's complaint, defendants' motion for summary judgment, plaintiff's motion for partial summary judgment, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation. No party has filed any objections.
- (2) Defendants' motion for summary judgment (Dkt. No. 54) is GRANTED and plaintiff's motion for partial summary judgment (Dkt. No. 46) is DENIED.
- (3) Plaintiff's complaint (Dkt. No. 1) and this action are DISMISSED without prejudice as to plaintiff claims that defendant Rochon used a racial epithet and that defendants

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1 Warner and Franz made comments that compromised plaintiff's safety, and with
2 prejudice as to all remaining claims.

3 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
4 defendants, and to the Honorable James P. Donohue.

5 DATED this 11th day of May, 2010.

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8 Marsha J. Pechman
9 United States District Judge
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